

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FARRAH M. FARR, PHILLIP)	
BROWN, and KRISTOF &)	
COMPANY, INC.)	
)	
Plaintiffs,)	
v.)	CIVIL ACTION NO.
KOMMERINA DALING, JOHN)	2:22-cv-00133-SCJ
O'SULLIVAN, SARAH WILSON-)	
BRITT, in her individual and official)	
capacity, MATT TATE, in his)	
individual and official capacity, and)	
THE CITY OF GAINESVILLE,)	
GEORGIA,)	
)	
Defendants.)	

JOINT MOTION TO EXTEND DISCOVERY

COME NOW, Plaintiffs Farrah M. Farr, Phillip Brown, and Kristof & Company, Inc. and Defendants Kommerina Daling, John O'Sullivan, Sarah Wilson-Britt, Matt Tate, and the City of Gainesville, Georgia, pursuant to Rule 7(b) of the Federal Rules of Civil Procedure, and Local Rule 26.2B, jointly and respectfully move the Court for an extension of the discovery period and all other related

deadlines by one hundred and twenty days (120) days, through and including May 16, 2023.¹ In support of this motion, the Parties show the Court as follows:

1. Discovery is currently set to end on January 16, 2023.
2. Defendants City of Gainesville, Wilson-Britt, and Tate filed a Motion to Dismiss on August 15, 2022. Farr, Brown, and Kristoff & Co. filed an Amended Complaint on September 13, 2022.
3. Defendants City of Gainesville, Wilson-Britt, and Tate filed a Motion to Dismiss the Amended Complaint on September 27, 2022.
4. Farr, Brown, and Kristoff filed a response in opposition to the Motion to Dismiss the Amended Complaint on November 1, 2022. The briefing on this motion to dismiss was not complete until November 14, 2022 when defendants filed their reply in support of Motion to Dismiss.
5. Because Farr, Brown, and Kristof & Co. and Defendants City of Gainesville, Tate, and Wilson-Britt have been involved in extensive briefing related to the Motion to Dismiss pending before the court, the Rule 26(f) conference was not conducted until November 29, 2022.

¹ While Defendants Sarah Wilson-Britt, Matt Tate, and the City of Gainesville, Georgia consent to the filing of this Motion, they also intend to file a Motion to Stay Discovery while their Motion to Dismiss remains pending.

6. Plaintiffs have served discovery responses on all defendants, however, all defendants have requested extensions on their responses.

7. Accordingly, to allow the Parties time to complete discovery, Plaintiffs and Defendants respectfully request that the Court extend the discovery period and all other related deadlines by one-hundred and twenty (120) days, through and including, May 16, 2023.

8. At this time, the parties hereby seek to extend the deadline for discovery for one hundred and twenty (120) days through and including May 16, 2023.

9. In addition, the Parties have agreed that the following deadlines will be as follows:

(a) *Motions to Compel*: before the close of discovery or within the extension period allowed in some instances. Local Rule 37.1.

(b) *Summary Judgment Motions*: within twenty (20) days after the close of discovery, unless otherwise permitted by Court order. Local Rule 56.1.

(c) *Other Limited Motions*: Refer to Local Rules 7.2A; 7.2B, and 7.2E, respectively, regarding filing limitations for motions pending on removal, emergency motions, and motions for reconsideration.

(d) *Disclosure of Expert Testimony*: Disclosure of Expert Testimony must be made at least 90 days before the date set for trial; or if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) or (C), within 30 days after the other party's disclosure in accordance with FRCP 26(a)(2)(d). Depositions of expert witnesses shall be taken within 30 days following the disclosure of expert testimony.

(e) *Motions Objecting to Expert Testimony:* Daubert motions with regard to expert testimony no later than the date the proposed pretrial order is submitted. Refer to Local Rule 7.2F.

10. The Parties file this Motion in good faith, and not with the intent to cause unnecessary delay.

Respectfully submitted this 10th day of January, 2023.

Consented to By:

/s/ Dana K. Maine
(signed with express permission)
Dana K. Maine
Georgia Bar No. 466580
Nicolas D. Bohorquez
Georgia Bar No. 517380
FREEMAN MATHIS & GARY, LLP
100 Galleria Parkway
Atlanta, Georgia 30339-5948
(770) 818-0000
dmaine@fmglaw.com
Nicolas.bohorquez@fmglaw.com
Attorney for Defendants Tate, Wilson-Britt, and City of Gainesville

Prepared and Consented to By:

/s/ David L. Pardue
David L. Pardue
Georgia Bar No. 561217
Brian D. Stoltz
Georgia Bar No. 648725
PARKER POE ADAMS & BERNSTEIN LLP
1075 Peachtree Street, N.E.
Suite 1500
Atlanta, GA 30309
(678) 690-5750
davidpardue@parkerpoe.com
brianstoltz@parkerpoe.com
Attorneys for Plaintiffs

/s/ Adam Klein
(signed with express permission)
Adam Klein
Georgia Bar No. 425032
FAIN, MAJOR & BRENNAN
5605 Glenridge Drive, Ste 900
Atlanta, Georgia 30342
(404) 688-6633
aklein@fainmajor.com
Attorneys for Defendants Daling and O'Sullivan

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing document has been prepared with one of the font and point selections approved by this Court in Local Rule 5.1(C).

/s/ David L. Pardue

David L. Pardue

CERTIFICATE OF SERVICE

This hereby certifies that I have electronically filed the foregoing ***Joint Motion to Extend Discovery Deadline*** on this date with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to all counsel of record.

This 10th day of January, 2023.

/s/ David L. Pardue

David L. Pardue
Georgia Bar No. 561217